UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,631	09/04/2003	Jean-Marie Gatto	CYBS5872	8128

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EXAMINER
MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
3718	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/656,631	GATTO ET AL.
	Examiner	Art Unit	
	JAMES S. MCCLELLAN	3718	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment on 3/18/11*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13,15-19,21-61,63-92,108 and 109* is/are pending in the application.

    4a) Of the above claim(s) *13,15-19,21-61 and 66-77* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9, 11, 12, 63-65, 78-87, 89-92, 108, and 109* is/are rejected.

7)☒ Claim(s) *10 and 88* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

5.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on March 18, 2011 has been entered.

In the response, claims 1, 79, 108, and 109 were amended. Claims 1-13, 15-19, 21-61,

63-92, 108, and 109 are pending, wherein claims 13, 15-19, 21-61, and 66-77 remain withdrawn.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1-7, 9, 12, 63-65, 78-84, 86, 89-92, 108, and 109 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent No. 7,128,652 to Lavoie in view of U.S. Patent

Application Publication No. 2002/0156931 to Riedel.

With regard to independent **claim 1** (and certain claims that dependent therefrom),

Lavoie discloses an online gaming system, including a server (108; see Fig. 1) coupled to a

communications network (110; see Fig. 1), and at least one gaming machine (e.g, 102a-n; 104a-

n; and 106a-n; see Fig. 1) coupled to the server (108) through the communication network (110)

in a client server configuration (e.g., see column 2, lines 38-40) in which each of the at least one

gaming machine (102, 104, 106) is a client to the server (108), each of the at least one gaming

machine (102, 104, 106) being configured to play at least one game (e.g., see column 4, lines 30-

33) and to carry out a game transaction for each game played (e.g., see column 4, lines 44-49)

and to commit each game transaction to the server (108) by sending a transaction packet from the

at least one gaming machine (102, 104, 106) to the server (108; see column 4, lines 44-49), upon

receipt of an inbound game payload from the gaming machine (102, 104, 106) having sent the

transaction packet, the server (108) is configured to send a single outbound game payload

enabling the gaming machine (102, 104, 106) having sent the transaction packet to complete the

game transaction (e.g., see column 4, lines 53-56);

[**claim 2**] the server returns a game transaction commit acknowledgement to the at least

one gaming machine (e.g., see column 12, lines 3-31);

[**claim 3**] wherein the at least one gaming machine is configured to acknowledge to a

player a validity of the game transaction upon receipt of at least one game transaction commit

acknowledgement during a predetermined timeout period following the commit of the game

transaction to the server (e.g., see paragraph bridging columns 13 and 14);

[**claim 4**] wherein the inbound game payload includes at least one of a gaming machine

ID, a user/player ID (e.g., see paragraph bridging columns 13 and 14), a transaction GUID, a

gaming machine originating/return address, a game ID, a game bet, and an amount wagered

(e.g., see column 14, lines 28-39);

[**claim 5**] wherein the at least one gaming machine is configured to be an active participant in a fault tolerance of the online gaming (e.g., player ID verification, see column 11, lines 37-52; data encryption, see paragraph bridging columns 11-12);

[**claim 9**] wherein the server (108) and the at least one gaming machine (102, 104, 106) are configured to support instant-drawn and deferred-draw of random events (e.g., see paragraph bridging columns 12 and 13);

[**claim 12**] the server (108) comprises at least one of a trusted transactional cache, a business server (e.g., server 108 conducts business; see column 11, lines 33-57) and a logistic support server (e.g., server 108 supports logistics; see column 11, lines 33-57);

[**claim 63**] wherein the at least one gaming machine (102, 104, 106) is configured to initiate and terminate the game transaction (e.g., client initiates transaction, see column 14, lines 30-32; client terminates transaction, see column 15, lines 6-11, "logoff");

[**claim 64**] wherein as between the at least one gaming machine (102, 104, 106) and the server (108), the at least one gaming machine is configured as sole master of the game transaction (e.g., client initiates transaction, see column 14, lines 30-32; client terminates transaction, see column 15, lines 6-11, "logoff"); and

[**claim 65**] wherein, as between the at least one gaming machine (102, 104, 106) and the server (108), only the at least one gaming machine is configured for recovery from network communication errors occurring during the game transaction (e.g., see column 10, lines 59-61).

With regard to **claim 1**, Lavoie fails to disclose the use at least two servers, wherein the gaming machine sends an identical inbound payload to each of the servers, and the gaming machine is configured such that a first arriving outbound payload received by the gaming

machine is effective to complete the game transaction, irrespective of when a second later arriving outbound payload is received by the gaming machine. Further, with regard to **claims 6, 7, and 78,** Lavoie fails to disclose a synchronization log for receipt of outbound payloads from the servers by the gaming machine.

Riedel teaches the use at least two servers, wherein a client sends an identical inbound payload to each of the servers, and the client is configured such that a first arriving outbound payload received by the client is effective to complete the client's request irrespective of when a second later arriving outbound payload is received by the client (e.g., see paragraph 20, lines 4-15). Further, with regard to claims 6, 7, and 78, Riedel teaches a synchronization log for receipt of outbound payloads from the servers by the client (e.g., see paragraph 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lavoie with at least two servers (wherein the first receipt of an outbound payload is effective) as taught by Riedel because this action reduces the amount of communication between servers and it speeds the response to the client, reducing latency (e.g., see Riedel, lines 12-15).

With regard to **claims 79-84, 86, 89-92, 108, and 109** the combination of Lavoie and Riedel disclose the recited online gaming system and methods based on the same analysis set forth above for similar claims 1-7, 9, 12, 63-65, and 78.

8.   Claims 8 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavoie in view of Riedel as applied to claims 1 and 79 above, and further in view of U.S. Patent Application Publication No. 2003/0027639 to Peterson.

Lavoie fails to expressly disclose the use of UDP protocol for network communications.

Peterson teaches the use of UDP protocol for network communications in a gaming

system (e.g., see paragraph 53).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Lavoie with the use of UDP protocol as taught by Peterson (as opposed to

TCP) because UDP protocol simpler and requires less communication traffic, thereby making

data communication more efficient.

9.   Claims 10 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavoie

in view of Riedel as applied to claims 1 and 79 above, and further in view of Official Notice.

Lavoie in combination with Riedel fails to expressly disclose that Riedel's servers are

geographically remote from one another.

In accordance with MPEP 2144.03, the Examiner relies upon Official Notice that locating

redundant computer components geographically remote from one another is unquestionably well

known such that the overall system will be less prone to a risk of a single environmental or

location specific problem (e.g., power loss, flood, theft, vandalism) harming the entire system.

If Applicant adequately traverses this rejection consistent with MPEP 2144.03, the Examiner will

cite specific evidence to support this assertion.

Allowable Subject Matter

10.   Claims 11 and 88 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Response to Arguments

11.   Applicant's arguments with respect to all pending claims have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JAMES S. MCCLELLAN whose telephone number is (571)272-

7167. The examiner can normally be reached on Mon-Fri (8:30AM-5:00PM).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/
Primary Examiner, Art Unit 3718